STATUS OF THE CLAIMS

Claims 1 to 19 are pending in this Application.

Claims 1 to 19 stand rejected.

Claims 1 and 14 have been amended, without prejudice, herein.

REMARKS

Reconsideration of the present Application is respectfully requested.

35 U.S.C. § 112 Rejections

Claim 14 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the present Office Action asserts that the manner in which scanning is performed on various items and at various points in time is confusing.

Applicant respectfully submits that Claim 14, as amended, comports with the requirements of 35 U.S.C. §112.

35 U.S.C. § 103 Rejections

Claims 1-7 and 11-19 have been rejected as being unpatentable over Radican (WO 99/38136). Claims 8-10 have been rejected as being unpatentable over Radican in view of Markham (U.S. Patent Application Publication No. 2003/0158795). Applicant respectfully traverses these rejections for at least the following reasons.

35 U.S.C. §103(a) recites:

> [a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

person having ordinary skill in the art to which said subject matter pertains.

Hence, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). MPEP 706.02(j).

Applicant respectfully submits that neither Radican nor Markham, either separately or in combination, teach or suggest each of the limitations of independent claims 1 and 14-16. Specifically, the references do not teach a material flow management system or method wherein the at least one attribute and the at least one updated attribute are transmitted, entered, checked, and verified at the receiving station by scanning an identification of the at least one receiving station.

Regarding the disclosure of Radican, the present Office Action asserts that Radican teaches the at least one attribute and the at least one updated attribute are transmitted, entered, checked, and verified at the receiving station by scanning an identification of the at least one receiving station at page 11, lines 30-31 and at page 15, lines 25-26. However, the present Office Action further admits that Radican does not explicitly teach the obtaining of receiving station identifications via scanning. While Applicant agrees that Radican does not teach the use of scanning receiving station identifications, Applicant respectfully disagrees that Radican teaches any such scanning of receiving station identifications as a means *for checking or verifying the attributes at the receiving station (wherein each receiving station passed itself becomes an*

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attribute). At page 11, lines 30-31, Radican merely states "The new location of the container is again reported to the CMCS in the form of a dock or gate number *for updating of data on that container in the CMCS database.*" (emphasis included) It is quite evident that the system of Radican is limited, in that the data input terminals are only for updating the CMCS database, so that customers can check and verify container and carrier flow and position via an external management information system (MIS) (Radican at Figure 2, CMCS DTA INPUT 14; and page 9, lines 19-27). In other words, as taught by Radican, NO checking and verifying is done at the receiving station, no less the scanning of the receiving station itself as the means for such checking and verifying.

Similarly, Markham discloses a data collection system using labels and "smart tags", yet does not teach the scanning of any receiving station as a means of updating or verifying of attributes at the receiving station being scanned, as claimed in the present application.

Such checking and verifying at the receiving station provides significant benefits and improvements over Radican, Markham and other material flow management systems that are nothing more than data consolidation systems. For example, in the system of Radican, errors in the flow of containers are not truly recognized in real-time, or at a point in time where correction of the error can be made so as to avoid the error ever occurring. Based on Radican, a customer views the data entered into the CMCS database at some later point in time, and only then alert shippers or facility managers that an error *had previously occurred.* Depending on when the customer catches the error, the error may or may not be fixable. However, in the present invention as claimed, verification is made at the receiving station itself. The receiving station operator is alerted, at the time of scanning, that an error *may be occurring* with respect to the scanned item, carrier and location. This checking and verifying at the receiving station allows the operator of the receiving station to alert the appropriate sources of such a potential error in shipping, to modify the

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attributes in accordance with the error in real time, or to correct what would have been an error before the error becomes detrimental to the customer.
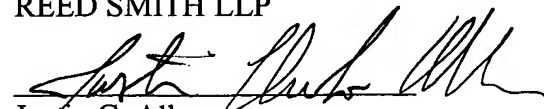
Accordingly, Applicant respectfully submits that independent Claims 1 and 14-16 are patently distinguishable over the prior art of record, in part because neither Radican nor Markham teach or suggest a material flow management system or method wherein the at least one attribute and the at least one updated attribute are transmitted, entered, checked, and verified at the receiving station by scanning an identification of the at least one receiving station. Applicant further submits each of dependent Claims 2-13 and 17-19 are similarly distinguishable over the prior art of record, at least by virtue of each Claim's ultimate dependency from a patently distinct base Claim 1 or 14-16.

CONCLUSION

Wherefore, Applicant believes all outstanding grounds raised by the Office Action have been addressed, and thus respectfully submits that the present case is in condition for allowance, early notification of which is earnestly solicited.

Respectfully submitted,

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